

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

**CERTIFICATE OF CONSULTATION BETWEEN INDIRECT PURCHASER
PLAINTIFFS AND CHARLESBANK CAPITAL PARTNERS, LLC AND BAIN
CAPITAL PRIVATE EQUITY**

Before the Court is Indirect Purchaser Plaintiffs’ Motion to Compel Discovery Responses (“Motion”) from Charlesbank Capital Partners, LLC (“Charlesbank”), and Bain Capital Private Equity (“Bain”).

Per Local Rule 7.2, this is to certify that counsel for Plaintiffs, Charlesbank, and Bain have consulted regarding the issues presented in this motion as follows: On April 18, 2022, Plaintiffs informed Charlesbank and Bain that given Charlesbank’s failure to timely assert privilege and provide a privilege log, any forthcoming privilege claims were waived. Charlesbank and Bain’s counsel, Steven Kaiser, stated that he did not agree there has been any waiver, and produced Bain’s and Charlesbank’s privilege logs on April 19 and April 20, 2022. Plaintiffs wrote a follow up letter to Mr. Kaiser on April 26, 2022, reaffirming the position that such untimely assertions of privilege are waived, and noting numerous deficiencies in the log. Mr. Kaiser responded to confirm the parties’ disagreement over waiver, but refused to respond or

otherwise correct the privilege log deficiencies noted in letter. Mr. Kaiser responded that any further response to the privilege log deficiencies is “pointless.”

Plaintiffs affirm that, after consultation between the parties, the parties were unable to reach agreement on the items that are the subject of the accompanying Motion.

Dated: May, 2, 2022

Respectfully submitted,

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